Doc Code: AP.PRE.REQ

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
1033-MS1003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on ___5-21-08___

Signature_____

Typed or printed name ___Jeaneaux Jordan___

Application Number	Filed
10/777,773	February 12, 2004

First Named Inventor
Kenneth R. Jones, et al.

Art Unit	Examiner
2616	NGUYEN, Toan D.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
        Note: No more than five (5) pages may be provided.
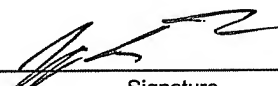
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number ___38,342___.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

_____
Signature

Jeffrey G. Toler
Typed or printed name

512-327-5515
Telephone number

5-21-2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☑ *Total of ___1___ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth R. Jones, et al.

Title: CONNECTION MANAGEMENT FOR DATA NETWORKS

App. No.:   10/777,773   Filed: February 12, 2004

Examiner: NGUYEN, Toan D.   Group Art Unit: 2616

Atty. Dkt. No.: 1033-MS1003   Confirmation No.:   2945

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In response to the Final Office Action mailed February 21, 2008 (hereinafter, "Final Office Action") and further pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, Applicants respectfully request review and reconsideration of the Final Office Action in view of the following issues.

Claims 1, 13-15, and 19-21 are Patentable over Bell and Mardinian

Applicants traverse the rejections of claims 1, 13-15 and 19-21, at paragraph 3 of the Final Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 7,069,328 ("Bell") in view of U.S. Patent No. 7,006,559 ("Mardinian"). Applicants respectfully traverse the rejections.

The cited portions of Bell and Mardinian, individually or in combination, do not disclose or suggest the specific combination of claim 1. For example, the cited portions of Bell and Mardinian fail to disclose or suggest detecting a presence of a <u>powered-on network capable device that is connected to a DSL modem</u> on a local network, as in claim 1.

The Office admits that Bell does not disclose detecting the presence of a powered-on network capable device. *See* Final Office Action, p. 3. Further, the cited portions of Mardinian

fail to disclose or suggest detecting a presence of a <u>powered-on network capable device that is</u> <u>connected to a DSL modem</u> on a local network, as in claim 1. The Office asserts on page 9 of the Final Office Action that Mardinian discloses "detecting the presence of a powered-on network capable device means," citing col. 3, lines 57-59. Applicants respectfully submit that the cited portions of Mardinian indicate that "one method for implementing automatic detection is to configure the combo modem 100 to enter DSL mode at power up, as a default condition." Thus, the cited portions of Mardinian describe a <u>modem</u> that can be configured to enter DSL mode at power up, but not detecting a presence of a <u>powered-on network capable device that is</u> <u>connected to a DSL modem</u>, as in claim 1. Therefore, the cited portions of Bell and Mardinian, individually or in combination, fail to disclose or suggest detecting a presence of a <u>powered-on</u> <u>network capable device that is connected to a DSL modem</u> on a local network, as in claim 1. Hence, claim 1 is allowable.

The cited portions of Bell and Mardinian, individually or in combination, do not disclose or suggest the specific combination of claim 13. For example, the cited portions of Bell and Mardinian fail to disclose or suggest a digital subscriber line (DSL) router including detection logic to detect the presence of a <u>powered-on network capable device that is connected to the DSL</u> <u>router</u> via a local network, as in claim 13.

As noted above, the Office admits that Bell does not disclose detecting the presence of a powered-on network capable device. Further, the cited portions of Mardinian describe a <u>modem</u> that can be configured to enter DSL mode at power up, <u>not</u> detecting the presence of a <u>powered-</u> <u>on network capable device that is connected to the DSL router</u>, as in claim 13. Therefore, the cited portions of Bell and Mardinian, individually or in combination, fail to disclose or suggest a digital subscriber line (DSL) router including detection logic to detect the presence of a <u>powered-</u> <u>on network capable device that is connected to the DSL router</u> via a local network, as in claim 13. Hence, claim 13 is allowable.

Claims 14-15 depend from claim 13, which Applicants have shown to be allowable. Therefore, claims 14-15 are allowable at least by virtue of their dependence from claim 13.

The cited portions of Bell and Mardinian, individually or in combination, do not disclose or suggest the specific combination of claim 19. For example, the cited portions of Bell and Mardinian fail to disclose or suggest a network capable device detection module, wherein the

network capable device detection module is configured to determine whether a <u>powered on network capable device is connected to the DSL router</u> on a local network, as in claim 19.

As noted above, the Office admits that Bell does not disclose detecting the presence of a powered-on network capable device. Further, the cited portions of Mardinian describe a <u>modem</u> that can be configured to enter DSL mode at power up, <u>not</u> determining whether a <u>powered on network capable device is connected to the DSL router</u>, as in claim 19. Therefore, the cited portions of Bell and Mardinian, individually or in combination, fail to disclose or suggest a network capable device detection module, wherein the network capable device detection module is configured to determine whether a <u>powered on network capable device is connected to the DSL router</u> on a local network, as in claim 19. Hence, claim 19 is allowable.

Claims 20-21 depend from claim 19, which Applicants have shown to be allowable. Therefore, claims 20-21 are allowable at least by virtue of their dependence from claim 19.

Claims 17-18 are Patentable over Bell and Manik

The Office has rejected claims 17-18, at paragraph 4 of the Final Office Action, under 35 U.S.C. §103(a), as being unpatentable over Bell in view of U.S. Patent Application Publication No. 2003/0174714 ("Manik"). Applicants respectfully traverse the rejections.

The cited portions of Bell and Manik, individually or in combination, do not disclose or suggest the specific combination of claim 17. For example, the cited portions of Bell and Manik, individually or in combination, fail to disclose a <u>digital subscriber line (DSL) router including lease assignment logic</u> to dynamically assign a lease to a network capable device to permit subsequent connection to a remote network, as in claim 17.

The Office admits that Bell does not disclose including lease assignment logic to dynamically assign a lease to a network capable device to permit subsequent connection to a remote network. *See* Final Office Action, p. 6. Further, the cited portions of Manik indicate that a <u>DHCP server</u> may be enabled with a known set of local IP and gateway addresses, and that an end user device may be leased one of these local IP addresses upon request. *See* Manik, paragraph 0026. Therefore, the cited portions of Bell and Manik, individually or in combination, fail to disclose a <u>DSL router</u> including lease assignment logic to dynamically assign a lease to a network capable device to permit subsequent connection to a remote network, as in claim 17. Hence, claim 17 is allowable.

Claim 18 depends from claim 17, which Applicants have shown to be allowable. Therefore, claim 18 is allowable at least by virtue of its dependence from claim 17.

Claims 2-4, 16 and 22 are Patentable over Bell and Mardinian and Manik

The Office has rejected claims 2-4, 16 and 22, at paragraph 5 of the Final Office Action, under 35 U.S.C. §103(a), as being unpatentable over Bell in view of Mardinian and further in view of Manik. Applicants respectfully traverse the rejections.

As explained above, the cited portions of Bell and Mardinian, individually or in combination, do not disclose or suggest the specific combination of claim 1. The cited portions of Manik do not disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Bell and Mardinian. For example, the cited portions of Manik fail to disclose or suggest detecting a presence of a <u>powered-on network capable device that is connected to a DSL modem</u> on a local network, as in claim 1, from which claims 2-4 depend. Instead, the cited portions of Manik indicate that a DHCP server may be enabled with a known set of local IP and gateway addresses, and that an end user device may be leased one of these local IP addresses upon request. *See* Manik, paragraph 0026. Therefore, claims 2-4 are allowable.

As explained above, the cited portions of Bell and Mardinian, individually or in combination, do not disclose or suggest the specific combination of claim 13. The cited portions of Manik do not disclose or suggest the elements of claim 13 not disclosed or suggested by the cited portions of Bell and Mardinian. For example, the cited portions of Manik fail to disclose or suggest a digital subscriber line (DSL) router including detection logic to detect the presence of a <u>powered-on network capable device that is connected to the DSL router</u> via a local network, as in claim 13, from which claim 16 depends. Instead, the cited portions of Manik indicate that a DHCP server may be enabled with a known set of local IP and gateway addresses, and that an end user device may be leased one of these local IP addresses upon request. *See* Manik, paragraph 0026. Therefore, claim 16 is allowable.

As explained above, the cited portions of Bell and Mardinian, individually or in combination, do not disclose or suggest the specific combination of claim 19. The cited portions of Manik do not disclose or suggest the elements of claim 19 not disclosed or suggested by the cited portions of Bell and Mardinian. For example, the cited portions of Manik fail to disclose or suggest a network capable device detection module, wherein the network capable device

detection module is configured to determine whether a <u>powered on network capable device is connected to the DSL router</u> on a local network, as in claim 19, from which claim 22 depends. Instead, the cited portions of Manik indicate that a DHCP server may be enabled with a known set of local IP and gateway addresses, and that an end user device may be leased one of these local IP addresses upon request. *See* Manik, paragraph 0026. Therefore, claim 22 is allowable.
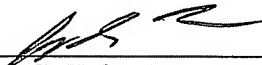
CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references applied in the Final Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, to credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

_5-21-2008_
Date

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